

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD
Plaintiff,

v.

TIMOTHY CALLAHAN, FRANCIS M.
ROACHE, PAUL MURPHY, RICHARD
WALSH, and THE CITY OF BOSTON,
Defendants.

C.A. NO.: 04-11193NG

**DEFENDANT RICHARD WALSH’S MOTION TO STRIKE PLAINTIFF’S EXHIBITS
AND CONCISE STATEMENT OF DISPUTED MATERIAL ISSUES OF FACT**

NOW COMES the Defendant, Richard Walsh (“Walsh”), and respectfully moves that this Honorable Court strike the Plaintiff, Shawn Drumgold’s (“Plaintiff”), Exhibits, as well as allegations contained in Plaintiff’s Concise Statement of Disputed Material Issues of Fact (hereinafter “Plaintiff’s Statement”), which were filed in opposition to Walsh’s motion for summary judgment. Walsh further requests that the Court deem the Statements in the Consolidated Statement of Undisputed Material Facts admitted for purposes of Walsh’s motion for summary judgment.

Specifically, Walsh moves to strike:

1. **Plaintiff’s Exhibit 25:** Boston Globe news article;
2. **Plaintiff’s Exhibits 7, 13, 15, 18, 22, and 27:** Affidavits prepared in support of Plaintiff’s motion for a new trial;
3. **Plaintiff’s Exhibits 1-6:** Segments from transcript of hearing on Plaintiff’s motion for a new trial;

4. **Plaintiff's Statement ¶¶ 2, 4, 7, 56, 58-59:** To the extent that the allegations therein are supported by Plaintiff's Exhibits 7, 13, 15, 18, 22 and 27, affidavits prepared in support of Plaintiff's motion for a new trial;
5. **Plaintiff's Statement ¶¶ 10, 12, 16-20, 30-33, 35, 37, 47, 49, 52, 53, 56, 60-61:** To the extent that the allegations therein are supported by Plaintiff's Exhibits 1-6, segments from transcript of hearing on Plaintiff's motion for a new trial;
6. **Plaintiff's Statement ¶¶ 1-11:** Relative to witness Tracie Peaks;
7. **Plaintiff's Statement ¶¶ 12-14, 16-23:** Relative to witness Mary Alexander;
8. **Plaintiff's Statement ¶¶ 24-27, 30-31:** Relative to witness Antonio Anthony;
9. **Plaintiff's Statement ¶¶ 32-39:** Relative to witness Vantrell McPherson;
10. **Plaintiff's Statement ¶¶ 41-54:** Relative to witness Ricky Evans (in their entirety, as the uncontroverted evidence is that Walsh never had any contact or communications with Evans and that Walsh was never provided with any information regarding Evans);
11. **Plaintiff's Statement ¶¶ 55-61:** Relative to witness Olisa Graham (in their entirety, as there is no evidence that Walsh had any communications or contact with, or knowledge regarding, Graham);
12. **Plaintiff's Statement ¶¶ 62-84:** In their entirety as the allegations contained therein relate solely to Plaintiff's claims against the City of Boston, are irrelevant to Walsh's motion, and do not create any triable issue of fact as to Plaintiff's claims against Walsh.

As grounds, Walsh states that Plaintiff's Exhibits and Plaintiff's Statement do not comply with the requirements of Fed. R. Civ. P. 56 and Local Rule 56.1. Moreover, Plaintiff has failed

to provide competent and admissible evidence sufficient to create any material issue of fact as to his claims against Walsh. As further grounds, Walsh incorporates herein by reference *Memorandum of Law in Support of Defendant Richard Walsh's Motion to Strike Plaintiff's Exhibits and Concise Statement of Disputed Material Issues of Fact*.

WHEREFORE, the Defendant, Richard Walsh, respectfully requests that this Honorable Court grant this Motion to Strike.

Defendant,
RICHARD WALSH,
By his attorney,

DATED: December 26, 2007

/s/ Hugh R. Curran
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 26th day of December, 2007, I electronically filed with within document with the Clerk of the United States District Court for the District of Massachusetts, using the CM/ECF System. The following participants have received notice electronically:

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/s/ Hugh R. Curran_____